

1 BILL NO. S-86-10- 48

2 SPECIAL ORDINANCE NO. S- 189-86

3 AN ORDINANCE approving Contract  
4 for Resolution 6055-86, Parnell  
5 Avenue Sidewalks, 1986 Bond Issue,  
6 between the City of Fort Wayne,  
7 Indiana and Gaines Construction  
8 Company, Inc., in connection with  
9 the Board of Public Works and Safety.

10 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
11 OF THE CITY OF FORT WAYNE, INDIANA:

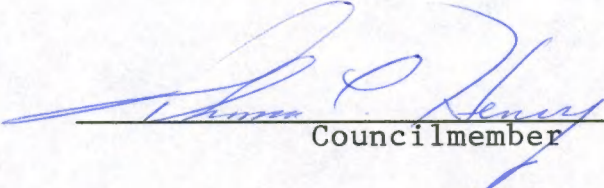
12 SECTION 1. That the annexed Contract for Resolution  
13 6055-86, Parnell Avenue Sidewalks, 1986 Bond Issue, between the  
14 City of Fort Wayne , by and through its Board of Public Works  
15 and Safety, and Gaines Construction Company, Inc., is hereby  
16 ratified, and affirmed and approved in all respects. The work  
17 under said Contract requires:

18 the improvement by putting in side-  
19 walks at Parnell Avenue from alley  
20 North of State Blvd. to Vance Avenue,  
21 West Side;

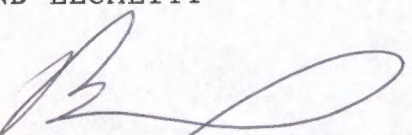
22 the Contract price is Thirty-One Thousand Four Hundred Forty-Four  
23 and 30/100 Dollars (\$31,444.30).

24 SECTION 2. Prior Approval was received from Common  
25 Council with respect to this Contract, on October 7, 1986. Two  
26 (2) copies of the Contract, attached hereto, are on file with  
27 the City Clerk, and are made available for public inspection,  
28 according to law.

29 SECTION 3. That this Ordinance shall be in full force  
30 and effect from and after its passage and any and all necessary  
31 approval by the Mayor.

32   
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
Bruce O. Boxberger, City Attorney



Read the first time in full and on motion by Henry  
seconded by Eisbart, and duly adopted, read the second time  
by title and referred to the Committee Public Works (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.

DATE: 10-28-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>1</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>1</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>1</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>1</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>1</u>	_____	_____	_____	_____
<u>REDD</u>	<u>1</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>1</u>	_____	_____	_____	_____
<u>STIER</u>	<u>1</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>1</u>	_____	_____	_____	_____

DATE: 10-10-86

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. S-189-86  
on the 10th day of November, 19 86.

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 12th day of November, 19 86,  
at the hour of 9:00 o'clock PM M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of November,  
19 86, at the hour of 9:30 o'clock A M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



**BOARD OF PUBLIC WORKS AND SAFETY  
INVITATION FOR BIDS/AWARD OF CONTRACT\***

Page 1 of \_\_\_\_\_

**(Non-Federally Assisted Construction)**

**PROJECT:** PARNELL AVENUE SIDEWALKS

**RESOLUTION #** \_\_\_\_\_

**6055-86**

**1986 BOND ISSUE**

**CONTENTS**

Check if contained	Pages	
X	1	Cover Sheet
X	11 - 19	Instruction to Bidders
X	S1	Schedule
X		Schedule of Items (Itemized Proposal)
X	GP1 - GP7	General Provisions
X		Special Conditions
X		Plans and Specifications
X		Drawings
X		Improvement Resolution
X		Notice to Bidders
<u><b>ATTACHMENTS</b></u>		
X		Non-Collusion Affidavit
X		Bidder's Bond
X		Performance Bond
X		Sworn Experience Questionnaire
X		Plan and Equipment Questionnaire
X		Contractor Financial Statement 96-A
X		Certificate in Lieu of Financial Statement
X		Prevailing Wage Scale - State of Indiana
X		Payment Bond
X		Warranty Bond
X		Barricade Information
X		Certification of Bidder/Vendor on Anti-Apartheid
Discount for prompt payment		10 Calendar Days    20 Calendar Days    30 Calendar Days    Other
		_____    _____    _____    _____
Acknowledgement of Amendments		Amendment No.    Date    Amendment No.    Date
(See General Provisions Clause)		_____    _____    _____    _____
		_____    _____    _____    _____

\*\*\*\*\*

**BID SUBMITTED**

**Contractor** Gaines Const Co

**By** Dennis Gaines

**Its** V. President

**Offer**

**Date** Sept 17 1986

Bidder agrees to keep bid open for acceptance for \_\_\_\_\_ (90 days unless otherwise specified)

**Compliance:** J. Adams

O.C. 12/84

B.O.W.. Non-Fed. \*Note: Award will be made on this form

**ACCEPTANCE OF BID/AWARD OF CONTRACT**

**City of Fort Wayne**

**Board of Public Works and Safety**

[Signature]

[Signature]

**City of Fort Wayne**

**Mayor**

[Signature]

**Award**

**Date** 9-24-86



INSTRUCTIONS TO BIDDERS  
Board of Public Works and Safety  
City of Fort Wayne, Indiana

August 29, 1986  
Non-Federally Funded Construction

1. Submission of Bids. Sealed bids will be received by the Board of Public Works and Safety of the City of Fort Wayne, in the State of Indiana, hereinafter "The Board" until 9:00 o'clock AM on the 17th day of September, 1986, at the Office of The Board in the City-County Building, at which time the bids will be publicly opened and read, for the following described work, as more fully set forth in the specifications:

PARNELL AVE. SIDEWALKS - RES. NO. 6055-86

To improve by putting in Sidewalks at:

Parnell Avenue from Alley north of State Blvd. to Vance Avenue - West Side -

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2. Inclusion of Clauses - If a clause in the Invitation for Bids (IFB) has a box ☐ beside it, the clause applies to the IFB only if it contains a check mark (✓) or an "X". Any questions as to whether a clause is included or not should be referred to The Board.

3. Questions as to Bid Document. If a bidder finds discrepancies in, or omissions from, the bid document or has questions about the project, he should at once contact the City Engineers. If the information requested or change made is substantive, The Board will issue an amendment to the solicitation and will send such amendment to all potential bidders who have procured an Invitation for Bid (IFB). The Board and the City will not be responsible for any oral instructions.

4. Award of Contract (Timeliness, Responsiveness, Responsibility). A contract resulting from the Invitation for Bids will be awarded to the lowest and best timely bidder who is also responsive and responsible. If bids are otherwise equal, award will be made to that bidder granting the largest prompt payment discount.

5. Bid Requirements. All bids shall be endorsed with the title of the work, the name of the bidder, and the date of mailing or presentation. All bids shall be filed in the office of The Board on or before the day and hour set forth above and stated in the advertisement, and no bid received after that time will be accepted. The Board will not accept any late filing regardless of reason, including delays in the mail.



Minority Business Enterprise (MBE) is a business of which at least 51% is owned and controlled by minority group members. ("Minority" means Black, Hispanic, American Indian, Asian, Pacific Islander, and Alaskan Native). The minority owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the minority owners must be real, substantiated and documented.

Women Business Enterprise (WBE) is a business of which at least 51% is owned and controlled by women. The women owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the women owners must be real, substantiated and documented.

The contract for which this proposal/bid is prepared is governed by the MBE/WBE Ordinance. This form must be completed in order to be responsive to this IFB/RFP. If the participation goal of 7% for MBE and 2% for WBE are not met or exceeded in your bid or proposal, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated in determining whether the bidder/offeror is responsible.

A list of possible MBE/WBE contractors/suppliers are on file in the Compliance Office, Room 800, City-County Building, for Contractor review.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

- A. \_\_\_\_\_ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).

For MBE specify percentage of minority ownership  
100 %.

For WBE specify percentage of women ownership  
\_\_\_\_\_ %.

- B. \_\_\_\_\_ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm \_\_\_\_\_ (cross out inapplicable provision) is a joint venture partner.



The MBE/WBE firm (cross out inapplicable provision) shall have 100% participation (employees) 100% participation (costs) in this project.

Specify the percentage of minority/women ownership in the MBE/WBE firm 100%. (cross out inapplicable provision)

- C. The undersigned commits \_\_\_\_\_% of the total bid price as a subcontract to minority business enterprise participation. The MBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
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- 1.
- 2.
- 3.

- D. The undersigned commits 2% of the total bid price as a subcontract to women business enterprise participation. The WBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
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1. Catherine Beckman Homma Trucking
- 2.
- 3.

- E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: \_\_\_\_\_

2. We have taken the following steps in an attempt to comply with these participation goals: \_\_\_\_\_

(attach additional sheets as necessary)

Contractor James Long Contractor \_\_\_\_\_

By V. President Henry By \_\_\_\_\_

Its \_\_\_\_\_ Its \_\_\_\_\_



2. My Company has taken the following steps in an attempt to comply with the 17% hourly utilization figure:

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(attach additional sheets if necessary)

Contractor Bains Const Co Inc  
By Henry Bains  
Its V. President

15. Required Prevailing Wage Schedule Payments - Pursuant to Indiana Code 5-16-7-1. All contractors and subcontractors working on the project awarded pursuant to this contract shall pay the prevailing wage rates for skilled, semi-skilled and unskilled laborers, workmen and mechanics. This wage determination has been made in accordance with the procedures set forth in Indiana Code 5-16-7-1. This determination and the required wage rates are available for examination by any prospective bidder at The Board of Public Works and Safety, 9th Floor, City-County Building, Fort Wayne, Indiana.

If a bidder is awarded a contract as a result of this Invitation for Bids, he/she/it shall file a schedule of wages, on forms provided by the City of Fort Wayne, demonstrating compliance with the wage rate determination. The successful prime contractor shall be responsible for obtaining schedules from all subcontractors. All schedules shall be filed before the contractor commences any work on the project.

Penalties for failure to pay the prevailing wage rate are set forth in Indiana Code 5-16-7-3.

16. Site Orientation. A site orientation (~~will~~/will not) be conducted by the City Engineers. If such an orientation is conducted, it will be held on the \_\_\_\_ day of \_\_\_\_, 19\_\_, commencing at \_\_\_\_ o'clock \_\_.M. at the site of the project.

Regardless of whether a site orientation is conducted or not, bidders are required to visit the site of the work, and inform themselves fully of the conditions, under which the work will be performed. The bidders shall be responsible for all conditions that affect the work, including, but not limited to all sub-surface conditions.



## SCHEDULE

### Board of Public Works and Safety

The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment, and power for the complete performance of the following project:

RES. NO. 6055-86 PARNELL AVENUE SIDEWALKS

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All work will be performed in accordance with: Resolution #~~6055-86~~ the IFB, this contract and the applicable plans, specifications, and drawings for a TOTAL PRICE of \$ 31,444.30. (If unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto).

The work shall be commenced within ten (10) days after The Board issues a written notice to proceed. All work shall be completed within 11/15/86 days after issuance of the notice to proceed. Those days which the contractor cannot work because of severely inclement weather shall not be counted.

☒ Liquidated Damages Provision. (This clause shall be applicable to this contract only if the box contains a checkmark or an "X".) It is hereby agreed by and between the City of Fort Wayne and Contractor that time is of the essence of this agreement and the contractor agrees that it will complete the project as herein defined on or before 11/15/86 days after issuance of the notice to proceed. The parties agree that it is a business and governmental necessity that the project be completed by this date, that it will be difficult or impossible to make an accurate determination of the damages that would be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$ 250.00 per day for each and every day after 11/15/86 days after issuance of the notice to proceed that the project remains uncompleted. The parties agree that the sum of \$ 250.00 per day is a reasonable estimate as to the damages which would be incurred by the City of Fort Wayne. The parties further agree that causes beyond the control of the contractor may delay the completion date. Therefore, the parties agree that delays in the completion date beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not necessarily limited to, the following: Acts of God, strikes, lockouts or industrial disturbances, acts of public enemies, restraining orders of any kind by the government of the United States of America or of the State of Indiana or any of their departments, agencies, or officials, or any civil or military authority, insurrections, riots, landslides, earthquakes, fires, incapacitating storms, floods, and explosions.



CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

I, Henry Gaines, the President  
(name)  
\_\_\_\_ of \_\_\_\_\_  
(position) (company)

hereby certify:

(1) That the Financial Statement of said company, dated the 17  
day of Sept, 19 86, now on file in the office of the Board of  
Public Works of the City of Fort Wayne, Indiana, which Financial Statement is by  
reference incorporated herein and made a part hereof, is a true and correct  
statement and accurately reflects the financial condition of said company as of  
the date hereof;

(2) That I am familiar with the books of said company showing its financial  
condition and am authorized to make this certificate on its behalf.

Dated: Sept 14 1986 Henry Gaines  
(signature)

SUBSCRIBED AND SWORN TO before me, a Notary Public, in and for said  
County and State, this 16<sup>th</sup> day of September, 19 86.

Burton A. Brunson

My commission expires:

8-2-90



NON-COLLUSION AFFIDAVIT

The Bidder, by its officers and

James Ernst

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person whomsoever to influence the acceptance of the said bid or awarding of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contract sought by this bid.

Henry Gainer  
V. President

Subscribed and sworn to before me by  
this 16<sup>th</sup> day of September, 1946.

My Commission Expires:

8-2-98

Barbara A. Brunner  
Notary Public

Resident of Allen County, IN

Subscribed and sworn to before me by  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My Commission Expires:

Notary Public

Resident of \_\_\_\_\_ County, IN

Subscribed and sworn to before me by  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My Commission Expires:

Notary Public

Resident of \_\_\_\_\_ County, IN

Contract No.



CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Gaines Const Co Inc  
\_\_\_\_\_, does hereby make the following representations  
to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council  
of the City of Fort Wayne, Indiana, has passed an ordinance con-  
demning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons,  
firms or corporations submitting bids to the City, for goods and  
services, certify, as part of the bid, that such entity does not  
support the policies of apartheid in South Africa.

The undersigned states, on behalf of Gaines Const  
\_\_\_\_\_, that W. Gaines Const Co Inc  
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed  
this 16 day of Sept, 19 86

Gaines Const Co Inc  
(Name of Bidder/Vendor)

Henry Gaines J.V. President  
(Name and Title of Person Signing)







TITLE OF ORDINANCE Contract for Resolution 6055-86, Parnell Avenue Sidewalks

DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety '86 Bond Issue 86-10-48

SYNOPSIS OF ORDINANCE The Contract for Resolution 6055-1986, is for the improvement  
by putting in sidewalks at Parnell Avenue from alley North of State Blvd. to  
Vance Avenue, West Side. Gaines Construction Company is the contractor.

PRIOR APPROVAL RECEIVED ON 10/7/86.

EFFECT OF PASSAGE Improvement of sidewalks at above area.

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$31,444.30

ASSIGNED TO COMMITTEE \_\_\_\_\_



BILL NO. S-86-10-48

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving Contract for  
Resolution 6055-86, Parnell Avenue Sidewalks, 1986 Bond Issue,  
between the City of Fort Wayne, Indiana and Gaines Construction  
Company, Inc., in connection with the Board of Public Works  
and Safety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

Thomas C. Henry  
THOMAS C. HENRY  
CHAIRMAN

Donald J. Schmidt  
DONALD J. SCHMIDT  
VICE CHAIRMAN

Mark E. GiaQuinta  
MARK E. GiaQUINTA

Paul M. Burns  
PAUL M. BURNS

Charles B. Redd  
CHARLES B. REDD

CONCURRED IN 11-10-86

SANDRA E. KENNEDY  
CITY CLERK